

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

TAMERA L. FRIEDRICHSEN,

Plaintiff,

V.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

4:09CV3069

MEMORANDUM AND ORDER

Plaintiff filed a complaint to review and set aside a decision under the Social Security Act on March 26, 2009 ([filing 1](#)). Defendant subsequently filed a motion to reverse and remand pursuant to sentence four of [42 U.S.C. § 405\(g\)](#) ([filing 15](#)). Plaintiff filed a response to said motion on July 10, 2009, representing that Plaintiff has no objection to the motion ([filing 16](#)).

Defendant's motion states that upon receipt of a remand order, the Appeals Council of the Social Security Administration will remand this case with directions to the administrative law judge ("ALJ") to "give consideration to whether a significant number of jobs exist in the national economy that Plaintiff can perform with the limitations assessed in the residual functional capacity ("RFC") finding." ([Filing 15](#).) Particularly, the ALJ will be directed to obtain vocational expert testimony and pose hypothetical questions that reflect the RFC established by the record. (*Id.*) Because the court construes Defendant's motion as a concession of error at the administrative level which brings into question the decision below, and because the government specifically concedes that this matter should be remanded pursuant to sentence four of [42 U.S.C. § 405\(g\)](#), I shall reverse and remand this matter to Defendant for proper consideration and reevaluation of the evidence, as

stated in the motion.

Accordingly,

IT IS ORDERED that:

1. Defendant's motion to remand ([filing 15](#)) is granted;
2. This matter is reversed and remanded pursuant to sentence four of [42 U.S.C. § 405\(g\)](#) in order to allow Defendant to reevaluate Plaintiff's claim; and
3. Judgment shall be entered by separate document.

July 14, 2009.

BY THE COURT:
s/Richard G. Kopf
United States District Judge